



Letter to the Editor

Lip print identification: People v. Davis or *the convenient citation*

To the Editor,

In a recent Original Communication entitled: “*Stability of lip-print patterns: A longitudinal study of Saudi females*” published in the *Journal of Forensic and Legal Medicine*, Eldomiaty et al. (2014) presented an excellent study proving the lasting stability of lip print patterns over the years in a specific population.¹ Beyond their conclusions and recommendations (in fact, we coincide with all of them), we believed that their assertions “...lip prints have been proven to be unique and distinguishable for every individual, similar to fingerprints. The analysis of the lip prints left at the scene of a crime (on cups, cigarette butts or the skin) and their comparison with those of a suspected person constitutes an important tool for identification and is often considered the key in solving a crime” need a little contribution.

On December 18, 1993, Patrick “Pall Mall” Fergusson was shot and killed during an apparent robbery attempt. The State did not produce physical evidence linking the defendant, Lavelle L. Davis. However, the State introduced testimony that lip prints found on a roll of duct tape found near the scene, matched defendant. At trial, prosecutors presented that evidence identification from a fingerprint examiner and a document examiner who found at least 13 points of similarity between standards of defendant's lips and photographs of the lip prints on the duct tape. On July 25, 1997, the jury convicted Lavelle L. Davis. He was sentenced to 45-year prison term for the felony murder (affirmed on May 12, 1999). Both experts supported the affirmation that the lip print identification and the method to identify the lip prints were accepted within the forensic science community, the FBI, and the Illinois State Police.² Up until this point, *People v. Davis* meant the Holy Grail for the defenders of this kind of evidence. This case represented the admissibility of lip print identification in the U.S. courts and the necessary reference to support publications to gain general acceptance in the relevant scientific community. *People v. Davis* assertions (1999) were cited several times in books and papers even until the last year 2013.³

However, the real evolution of this case was radically different. Davis continued to challenge his conviction, and in March 2006, an Illinois trial judge overturned his conviction following an evidentiary hearing. Therein, Davis's attorneys presented several experts who concluded there were “no scientific studies that have conclusively established the accuracy and reliability of lip print identification”. Likewise, the experts concluded that there is no comparison between lip prints and fingerprints and that the ridges on fingerprints are not the same as creases on lips. Davis's attorneys also introduced a letter from the FBI latent print unit, which stated “the FBI Laboratory has not conducted any validation studies of lip print identification and has determined that it will not

perform lip print analysis”. Concluding that lip print comparison is not an accepted method of scientific identification, one of those experts, explained “there are no publications in journals or books, no methodology, no training programs, no certifications, and no articles of acceptance to support the position that lip-print is accepted”.⁴

Regardless of the controversy of these assumptions, unfortunately, we could not detect any reference mentioning this dramatic evolution of the case. We believe that forensic case reports need to be constantly checked and re-evaluated if they are going to be cited in a text because of forensic scientists need to be prepared for two main arenas: the peer-reviewed forensic journals and the Courts of Law. Although this duality seems to create a synergic effect, the reality is more complex and controversial since the evidence, forensic techniques, arguments, and errors in protocol, funds for defence witnesses and objections pertaining to witness credibility. At this point, the case reports playing a significant role contributing for the augmentation of experience based knowledge. Nevertheless, and beyond that a case history requires sufficient and scientific information, the forensic scientist must be kept in mind that this case could change its course affecting the relevance of the reference. Specifically in lip print identification, the fact is simple and categorical: it might be potentially useful as evidence in criminal cases, but an inappropriate, outdated or unchecked reference only spoils its possible usefulness and reliability as forensic evidence.

Eldomiaty et al. (2014) made a relevant contribution. Cheilosophy needs more scientific principles in side-by-side comparison identification than convenient citation to be accepted in a court proceeding.

Conflict of interest

None declared.

References

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